

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
PECOS DIVISION**

**RE ROSEROCK LLC,**  
*Plaintiff,*

**v.**

**XL INSURANCE AMERICA, INC.,  
and NORTH AMERICAN ELITE  
INSURANCE CO.,**  
*Defendants.*

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**No. PE:17-CV-00031**

**ORDER GRANTING PLAINTIFF’S UNOPPOSED MOTION TO REMAND**

BEFORE THE COURT is Plaintiff RE Roserock LLC’s (“Plaintiff”) Unopposed Motion to Remand. (Doc. 13). On May 18, 2017, Plaintiff filed a petition in state court seeking insurance coverage for damages to property connected with a solar farm project. (Doc. 13). On June 20, 2017, Defendants XL Insurance America, Inc. and North American Elite Insurance Co. (collectively, “Defendants”) removed this case on the basis of diversity jurisdiction. (Doc. 1). However, Plaintiff’s corporate members are both incorporated in Delaware and Defendant XL Insurance America, Inc. is also incorporated in Delaware. (Doc. 13).

Because Defendant XL Insurance America, Inc. and Plaintiff share the same state of incorporation, no diversity exists. Defendants do not dispute the lack of subject matter jurisdiction, and therefore, Defendants are unopposed to the motion to remand. Considering the lack of opposition and the fact that it is Defendants’ burden to establish that federal jurisdiction exists, the Court **GRANTS** Plaintiff’s Motion to Remand (Doc. 13) and **ORDERS** the instant case to be remanded to the 112th Judicial District Court of Pecos County, Texas for lack of subject matter jurisdiction. *De Aguilar v. Boeing Co.*, 47 F.3d 1404, 1408 (5th Cir. 1995).

It is therefore **ORDERED** that Plaintiff's Motion to Remand (Doc. 13) is hereby **GRANTED** and that the above-numbered and entitled cause is **REMANDED** to the 112th Judicial District Court of Pecos County, Texas.

It is so **ORDERED**.

SIGNED this 7th day of July, 2017.



ROBERT JUNELL  
SENIOR U. S. DISTRICT JUDGE